

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN RE:

**SUSAN C. BROCKINGTON**  
6818 121st Ave  
Fennville, MI 49408

CASE NO.: HK02-11061  
CHAPTER 7

Debtor(s)/

**NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST  
TRUSTEE'S MOTION FOR AUTHORITY TO SELL  
PROPERTY OF THE ESTATE**

**(Re: Real estate located at 6818 121<sup>st</sup> Avenue, Fennville, MI 49408)**

**ORIGINAL**

The attached motion has been filed with the Bankruptcy Court. Your rights may be affected. You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

If you want the court to consider your views on this matter, attend the hearing scheduled to be held before the Hon. Jeffrey R. Hughes on December 16, 2004 at 12:30 p.m. at the United States Bankruptcy Court, Room 114, U.S. Courthouse & Federal Bldg., 410 W. Michigan Avenue, Kalamazoo, Michigan.

You or your attorney may wish to file a written response explaining your position. Such response should be received at least three days prior to the scheduled date of hearing, and should be mailed to the United States Bankruptcy Court, P.O. Box 3310, Grand Rapids, MI 49501-3310. A copy should also be mailed to the party filing the motion and to his/her attorney.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

**PLEASE NOTE:** NOTICE IS HEREBY GIVEN that the court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the Clerk's office from the court files or docket.

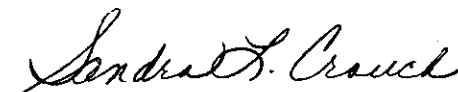
A copy of this notice & the motion returned to Paul F. Davidoff, Esq., P.O. Box 51066, Kalamazoo, MI 49005 for service of same upon all parties listed on the matrix not less than twenty (20) days prior to the date of the hearing. (11/4/04-slc)

The court will make service upon it's Buyers' List.

November 4, 2004  
DATE



**DANIEL M. LAVILLE**  
CLERK OF BANKRUPTCY COURT

  
BY: Sandra L. Crouch, Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN-SOUTHERN DIVISION

IN RE:

Susan C. Brockington,

File No. HK 02-11061  
Chapter 7  
Hon. Jeffrey R. Hughes

Debtor(s).

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**MOTION FOR AUTHORITY TO SELL PROPERTY OF THE ESTATE**

NOW COMES Thomas R. Tibble, Trustee, by his attorneys Paul F. Davidoff, P.C. and moves this Court as follows:

1. That Thomas R. Tibble, is the duly appointed, qualified and acting Trustee of the captioned bankruptcy estate.
2. That the Debtor filed a Chapter 7 proceeding herein on October 4, 2002.
3. That included in the property of this estate is a parcel of real estate located at 6818 121<sup>st</sup> Avenue, Fennville, Michigan 49408, and the Trustee has received an offer to purchase the real estate from Dale E. Tilma and Marilyn A. Tilma at 2480 32<sup>nd</sup> Ave., Hudsonville, Michigan for the sum of \$73,000.00.
4. That it is in the best interest of this estate and its creditors that the said real estate be offered for sale at public auction in open court at the earliest possible date, subject to the following terms and conditions:

A. PROPERTY. The real estate is located at 6818 121<sup>st</sup> Avenue, Fennville, Michigan, and is legally described as follows:

Land situated in the Township of Ganges, County of Allegan, State of Michigan and described as follows:

Beginning on the East and West 1/4 line of Section 8, Town 2 North, Range 16 West, at a point 370.14 feet West of the East 1/4 post of the Section; thence South 01 degree 43 minutes 41 seconds East 653.58 feet to the South line of the North ½ of the Northeast 1/4 of the Southeast 1/4; thence North 89 degrees 56 minutes 18 seconds West on same 205.28 feet; thence North 01 degree 42 minutes 57 seconds West 653.35 feet to the East and West 1/4 line; thence East on same, 205.14 feet to the place of beginning.

B. BIDDING. Bidding will commence at \$74,000.00, with subsequent bids in increments of not less than \$1,000.00. The sale is on a cash basis, with the successful bidder, other than Dale E. Tilma and Marilyn A. Tilma, being required

to make a non-refundable deposit with the Trustee in the sum of \$2,500.00 upon conclusion of the sale. No contingent bids shall be received. Closing shall take place as soon as possible at a date mutually agreed upon by the Trustee and the Purchaser, and the total balance of the bid price shall be paid at closing. Any prospective bidder must submit evidence of financeability in the form of bank letter of credit or letter confirming loan approval to the Trustee no later than three (3) days prior to the sale date in order to qualify to bid at the sale.

The Trustee will pay up to \$2,800.00 of the purchaser's down payment, prepaid assistance, points, and/or other closing costs. In order to expedite closing as soon as possible, the stay provisions of Fed. R. Bankr. P. 6004(g) shall be set aside as null and void.

C. TERMS. The real estate will be sold on an "AS IS, WHERE IS" basis, without representation of warranty, express or implied, of any kind, nature, or description, including, without limitation, any warranty by description, or merchantability, useability, or of fitness for any purpose. The Trustee shall not be required to inspect or test or report on the condition of the real property or the operability of the real property or the existence of any possible defects in the real property.

All real estate taxes which are a lien against the described real estate shall be paid out of the sale proceeds as an expense of sale. Any tax which becomes a lien on said real estate after the date of sale shall be paid by the purchaser, and the 2004 real estate taxes will be prorated to the date of closing. The sale shall be consummated by the delivery to the purchaser of a Trustee's Deed without warranty of title.

The described real estate shall be sold free and clear of all liens, encumbrances, and/or claims therein, with said liens, encumbrances, and/or claims attaching to the sale proceeds, in the same order of validity, rank, and priority as now exists in the said real estate. **Any and all liens, claims and encumbrances shall be discharged when a copy of a subsequent Order Confirming Sale entered by this Court is recorded along with the Trustee's Deed in the Register of Deeds office.**

The expenses of custody, protection, insurance of the property, as well as expenses of the sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of said property shall be charged against the sale proceeds with priority over all claims.

D. REALTORS COMMISSION. The offer which the Trustee has received is subject to a commission of seven (7%) percent to be paid to Five Star Real Estate, Realtor conditioned on the consummation of the sale.

E. INSPECTION. Arrangements for inspection of the real estate can be made by contacting Todd Walters of Five Star Real Estate, Realtor, 76 S. River, Holland, MI 49423, telephone (616) 355-3737.

6. The Trustee requests that a Notice of Hearing and a copy of the Motion be served by ordinary mail upon all parties listed on the Court's matrix filed herein, the persons named in the Buyers List on file with this Court and upon the following:

Judith A. Hearn, Esq., 675 E 16<sup>th</sup> St. #10, Holland, MI 49423-5807  
Dale E. Tilma and Marilyn A. Tilma at 2480 32<sup>nd</sup> Ave., Hudsonville, Michigan  
Five Star Real Estate, Attn: Todd Walters, 76 South River, Holland, MI 49423  
Office of the U.S. Trustee, 330 Ionia NW, Suite 202, Grand Rapids, MI 49503;  
Thomas R. Tibble, Trustee, 2813 W. Main St., Kalamazoo, MI 49006;  
Paul F. Davidoff, P.C., Attys. for the Trustee, P. O. Box 51066, Kalamazoo, MI 49005.

7. The Trustee requests that any party objecting to this sale file a written objection with the Bankruptcy Court Clerk, P. O. Box 3310, Grand Rapids, MI 49501, and serve a copy upon Paul F. Davidoff, P.C., Attorneys for the Trustee, P. O. Box 51066, Kalamazoo, MI 49005, at least three (3) days prior to the scheduled hearing. Any creditors or other parties in interest wishing to bid on the property shall make such bids at the hearing on this Motion.

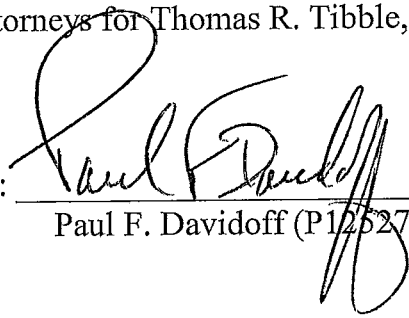
**WHEREFORE**, the Trustee requests that this Court enter an Order Confirming Sale of the within real estate on the terms and conditions set forth above, to Dale E. Tilma and Marilyn A. Tilma at 2480 32<sup>nd</sup> Ave., Hudsonville, Michigan, for the sum of \$73,000.00, or to such other purchaser for such additional sums as may be bid at the hearing in open Court, that Thomas R. Tibble, Trustee be authorized to take such steps and execute such documents as are reasonably necessary to implement and effectuate said sale, and that the Court grant such further relief as may be just and equitable under the circumstances.

Dated: November 3, 2004

BUSINESS ADDRESS:  
P.O. Box 51066  
Kalamazoo, MI 49005  
(269) 388-2100

PAUL F. DAVIDOFF, P.C.  
Attorneys for Thomas R. Tibble, Trustee

By:

  
Paul F. Davidoff (P12527)